

Disqualifying Factors

The Department of Correction must adhere to the federal “Domestic Violence Offender Gun Ban” at 18 U.S.C. § 922(g)(9). The federal statute prohibits the possession or use of weapons by persons convicted of misdemeanors involving domestic violence. Therefore, the Department may not hire individuals subject to these prohibitions into positions that in the course of duty may handle firearms. This law would not only affect individuals in certified positions but any position that in the course of duty may handle firearms.

Certain positions within the Department of Correction are certified by the North Carolina Criminal Justice Education and Training Standards Commission. Such positions will have the certification requirement indicated on the job posting. The Department does not hire individuals with a felony conviction(s) into certified positions. Further, the Criminal Justice Education and Training Standards Commission will not certify individuals that have been convicted of one of the below misdemeanors (or the subcategories there under) with less than three (3) years since the conviction or completion of any corrections supervision imposed by the courts, whichever is later.

MISDEMEANOR OFFENSES

- | | |
|---------------------|--|
| 1. G.S. 14-2.5 | Punishment for attempt (offenses that are Class A-1 misdemeanor) |
| 2. G.S. 14-27.7 | Intercourse and sexual offenses with certain victims (If defendant is school personnel other than a teacher, school administrator, student teacher or coach) |
| 3. G.S. 14-32.1(f) | Assault on handicapped persons |
| 4. G.S. 14-32(b)(4) | Patient abuse and neglect, punishments |
| 5. G.S. 14-32.3 | Exploitation by caretaker of disabled/elder adult in domestic setting; resulting in loss of less than \$1,000.00. |
| 6. G.S. 14-33(b)(9) | Assault, battery against sports official |
| 7. G.S. 14-33(c) | Assault, battery with circumstances |
| 8. G.S. 14-34 | Assault by pointing a gun |
| 9. G.S. 14-34.6(a) | Assault on Emergency Personnel |
| 10. G.S. 14-54 | Breaking or Entry into buildings generally (14-54(b)) |
| 11. G.S. 14-72 | Larceny of property/receiving stolen goods, etc.; less than \$1,000 |
| 12. G.S. 14-72.1 | Concealment of merchandise (14-72.1(e); 3 rd offense) |
| 13. G.S. 14-76 | Larceny, mutilation, or destruction of public records/papers |
| 14. CH 14 Art. 19A | False/fraudulent use of credit device (14-113.6) |
| 15. CH 14 Art. 19B | Financial transaction card crime (14-113.17(a)) |
| 16. G.S. 14-114(a) | Fraudulent disposal of property/security interest |
| 17. G.S. 14-118 | Blackmailing |
| 18. G.S. 118.2 | Obtaining academic credit by fraudulent means (14-118.2(b)) |
| 19. G.S. 122.1 | Falsifying documents issued by a school (14-122.1(c)) |
| 20. G.S. 14-127 | Willful and wanton injury to real property |
| 21. G.S. 14-160 | Willful and wanton injury to personal property greater than \$200.00 (14-160(b)) |
| 22. G.S. 14-190.5 | Preparation of obscene photographs |
| 23. G.S. 14-190.9 | Indecent Exposure |
| 24. G.S. 14-190.14 | Displaying material harmful to minors (14-190.14(b)) |
| 25. G.S. 14-190.15 | Disseminating harmful material to minors (14-190.15(d)) |
| 26. G.S. 14-202.2 | Indecent liberties between children |

27. G.S. 14-202.4	Taking indecent liberties with a student
28. G.S. 14-204	Prostitution (14-207; 14-208)
29. G.S. 14-223	Resisting officers
30. G.S. 14-225	False, etc., reports or law enforcement agencies or officers
31. G.S. 14-230	Willfully failing to discharge duties
32. G.S. 14-231	Failing to make reports and discharge other duties
33. G.S. 14-232	Swearing falsely to official records
34. G.S. 14-239	Allowing prisoners to escape punishment
35. G.S. 14-255	Escape of working prisoners from custody
36. G.S. 14-256	Prison breach and escape
37. G.S. 14-258.1(b)	Furnishing certain contraband to inmates
38. G.S. 14-259	Harboring or aiding certain persons
39. CH 14 Art. 34	Persuading inmates to escape; harboring fugitives (14-268)
40. G.S. 14-269.2	Weapons on campus or other educational property (14-269.2(d), (e) & (f))
41. G.S. 14-269.3(a)	Weapons where alcoholic beverages are sold and consumed
42. G.S. 14-269.4	Weapons on state property and in courthouses
43. G.S. 14-269.6	Possession and sale of spring-loaded projectile knives prohibited (14-269.6(b))
44. G.S. 14-277	Impersonation of a law-enforcement or other public officer verbally, by displaying a badge or insignia, or by operating a red light (14-277 (d1) & (e))
45. G.S. 14- 277.2(a)	Weapons at parades, etc., prohibited
46. G.S. 14-277.3	Stalking (14-277.3(b))
47. G.S. 14-288.2(b))	Riot
48. G.S. 14-288.2(d))	Inciting to riot
49. G.S. 14-288.6(a))	Looting; trespassing during emergency
50. G.S. 14-288.7(c)	Transporting weapon or substance during emergency
51. G.S. 14-288.9(c)	Assault on emergency personnel; punishments
52. G.S. 14-315(a)	Selling or giving weapons to minors
53. G.S. 14-315.1	Storage of firearms to protect minors
54. G.S. 14-316.1	Contributing to delinquency
55. G.S. 14-318.2	Child abuse
56. G.S. 14-360	Cruelty to animals
57. G.S. 14-361	Instigating or promoting cruelty to animals
58. G.S. 14-401.14	Ethnic intimidation; teaching any technique to be used for (14-401.14(a) and (b))
59. G.S. 14-454(a) or (b)	Accessing computers
60. G.S. 14-458	Computer trespass (Damage less than \$2,500)
61. G.S. 15A-266.11	Unauthorized use of DNA databank; willful disclosure (15A-266.11(a) and (b))
62. G.S. 15A-287	Interception and disclosure of wire, etc. communications
63. G.S. 15B-7(b)	Filing false or fraudulent application for compensation award
64. G.S. 18B-902(c)	False statements in application for ABC permit (18B-102(b))
65. G.S. 20-37.8(a)&(c)	Fraudulent use of a fictitious name for a special identification card
66. G.S. 20-102.1	False report of theft or conversion of a motor vehicle
67. G.S. 20-111(5)	Fictitious name or address in application for registration
68. G.S. 20-130.1	Use of red or blue lights on vehicles prohibited (20-130.1(e))
69. G.S. 20-137.2	Operation of vehicles resembling law-enforcement vehicles (20-137.2(b))

- | | |
|--|--|
| 70. G.S. 20-138.1 | Driving while impaired (punishment level 1 (20-179(g)) or punishment level 2 (20-179(h)) |
| 71. G.S. 20-138.2 | Impaired driving in commercial vehicle (20-138.2(e)) |
| 72. G.S. 20-141.5(a) | Speeding to elude arrest |
| 73. G.S. 20-166(b) | Duty to stop in event of accident or collision |
| 74. G.S. 20-166(c) | Duty to stop in event of accident or collision |
| 75. G.S. 20-166(c1) | Duty to stop in event of accident or collision |
| 76. G.S. 50B-4.1 | Knowingly violating valid protective order |
| 77. G.S. 58-33-105 | False statement in applications for insurance |
| 78. G.S. 58-81-5 | Careless or negligent setting of fires |
| 79. G.S. 62A-12 | Misuse of 911 System |
| 80. G.S. 90-95(d)(2) | Possession of schedule II, III, IV |
| 81. G.S. 90-95(d)(3) | Possession of schedule V |
| 82. G.S. 90-95(d)(4) | Possession of schedule VI (when punishable as Class 1 misdemeanor) |
| 83. G.S. 90-95(e)(4) | Conviction of 2 or more violations of Article 5 |
| 84. G.S. 90-95(e)(7) | Conviction of 2 or more violations of Article 5 |
| 85. G.S. 90-113.22 | Possession of drug paraphernalia (90-113.22(b)) |
| 86. G.S. 90-113.23 | Manufacture or delivery of drug paraphernalia (90-113.23(c)) |
| 87. G.S. 97-88.2(a) | Misrepresentation to get worker's compensation payment |
| 88. G.S. 108A-39(a) | Fraudulent misrepresentation of public assistance |
| 90. G.S. 108A-53 | Fraudulent misrepresentation of foster care and adoption assistance payments |
| 91. G.S. 108A-64(a) | Medical assistance recipient fraud; less than \$400 (108-64(c)(2)) |
| 92. G.S. 108A-80 | Recipient check register/list of all recipients of AFDC and state-county special assistance (108A-80(b)) |
| 93. G.S. 108A-80 | Recipient check register/list of all recipients of AFDC and state-county special assistance; political mailing list (108A-80(c)) |
| 94. G.S. 113-290.1(a)(2) | Criminally negligent hunting; no bodily disfigurement |
| 95. G.S. 113-290.1(a)(3) | Criminally negligent hunting; bodily disfigurement |
| 96. G.S. 113-290.1(a)(4) | Criminally negligent hunting; death results |
| 97. G.S. 113-290.1(d) | Criminally negligent hunting; person convicted/suspended license |
| 98. G.S. 143-58.1(a) | Use of public purchase or contract for private benefit (143-58.1(c)) |
| 99. G.S. 148-45(d) | Aiding escape or attempted escape from prison |
| 99. G.S. 162-55 | Injury to prisoner by jailer |
| 100. COMMON-AW MISDEMEANORS | |
| a. Going Armed to the Terror of the People | |
| b. Common-Law Mayhem | |
| c. False Imprisonment | |
| d. Common-Law Robbery | |
| e. Common-Law Forgery | |
| f. Common-Law Uttering of Forged paper | |
| g. Forcible Trespass | |
| h. Unlawful Assembly | |
| i. Common-Law Obstruction of Justice | |
| 101. Those offenses occurring in other jurisdictions which are comparable to the offenses specifically listed above. | |
| 102. Any offense proscribed by 18 USC 922(g)(8) [Lautenberg Amendment] that would prohibit possessing a firearm or ammunition. | |